

ORIGINAL

OPEN MEETING ITEM



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BEFORE THE ARIZONA CORPORATION COMMISSION

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MIKE GLEASON
Chairman

WILLIAM A. MUNDELL
Commissioner

JEFF HATCH-MILLER
Commissioner

KRISTIN K. MAYES
Commissioner

GARY PIERCE
Commissioner

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

NOV 09 2007



STAFF of the Utilities Division,

Complainant,

vs.

OCMC, Inc.

Respondent.

DOCKET NO. T-04103A-07-0618

COMPLAINT

(Motion to Rescind Decision
and cancel CC&N)

Staff of the Utilities Division ("Staff") of the Arizona Corporation Commission ("Commission"), pursuant to Arizona Revised Statutes (A.R.S.) § 40-246, hereby comes before the Commission to allege the following Complaint requesting a rescission of Commission Decision No. 67444 and a cancellation of Respondent's Certificate of Convenience and Necessity ("CC&N").

JURISDICTION

1. The Commission has jurisdiction to hear complaints against public service corporations pursuant to A.R.S. § 40-246. The Commission has jurisdiction to supervise and regulate public service corporations pursuant to Article XV of the Arizona Constitution and Title 40 of the Arizona Revised Statutes.

FACTUAL BACKGROUND

2. Respondent OCMC, Inc. ("OCMC" or "Company") is a public service corporation as defined by Article XV of the Arizona Constitution and A.R.S. § 40-282.

3. On December 3, 2004, in Decision No. 67444, the Arizona Corporation Commission ("Commission") granted OCMC's application for a Certificate of Convenience and

1 Necessity ("CC&N") to provide resold interexchange services and alternative operator services in
2 the State of Arizona.

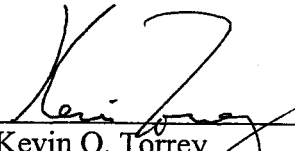
3 4. On May 30, 2007, Staff attempted to contact the Company regarding the filing of its
4 2006 Annual Report and outstanding compliance items. It was noted that the phone number and
5 address on file with the Commission were no longer correct.

6 5. After subsequent research, it was discovered that on May 12, 2006, Meridian
7 Financial Advisors, Ltd., dba The Meridian Group was appointed as the Receiver over the assets,
8 property and business of OCMC pursuant to an order entered by the United States District Court
9 for the Southern District of Indiana. The Receiver worked to transition the customers to other
10 carriers and to cancel all agreements of the Company.

11 6. On October 15, 2007, Staff received a copy of the Court Order and official notice
12 from the Receiver indicating that OCMC has ceased all operations.

13 **RECOMMENDATION**

14 7. Staff recommends the Commission rescind Decision No. 67444 and cancel the
15 Certificate of Convenience and Necessity of OCMC, Inc.

16
17 
18 Kevin O. Torrey
19 Attorney, Legal Division
20 Arizona Corporation Commission
21 (602) 542-3402

22 Original and 18 copies of the
23 foregoing filed this 9th day of
24 November, 2007 with:

25 Docket Control
26 Arizona Corporation Commission
27 1200 W. Washington
28 Phoenix, Arizona 85007

27 Copies of the foregoing mailed
28 this 13th day of November, 2007 to:

1 Service List for: OCMC, Inc.
2 Docket No. T-04103A-07-0618

3 Mr. David R. Heilman
4 Meridian Financial Advisors, Ltd.
5 Benedum-Trees Building
6 223 Fourth Avenue, Suite 1700
7 Pittsburgh, Pennsylvania 15222-1713
8 (Receiver for OCMC, Inc.)

9 Mr. Michael Hallam
10 Mr. Thomas Campbell
11 Lewis & Roca
12 40 North Central Avenue
13 Phoenix, Arizona 85004

14 Copies of the foregoing hand-delivered
15 this 13th day of November, 2007 to:

16 Mr. Christopher C. Kempley
17 Chief Counsel, Legal Division
18 Arizona Corporation Commission
19 1200 West Washington Street
20 Phoenix, Arizona 85007

21 Mr. Ernest G. Johnson
22 Director, Utilities Division
23 Arizona Corporation Commission
24 1200 West Washington Street
25 Phoenix, Arizona 85007

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2 for the Southern District of Indiana. The Receiver worked to transition the customers to other
3 carriers and to cancel all agreements of the Company.

4 5. On October 15, 2007, Staff received a copy of the Court Order and official notice
5 from the Receiver indicating that OCMC has ceased all operations.

6 CONCLUSIONS OF LAW

7 1. OCMC is an Arizona public service corporation within the meaning of Article XV,
8 Section 2, of the Arizona Constitution.

9 2. The Commission has jurisdiction over OCMC and over the subject matter of the
10 application.

11 3. The Commission, having reviewed the application concludes that it is in the public
12 interest to rescind Decision No. 67444 and to cancel the Certificate of Convenience and Necessity
13 of OCMC, Inc.

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ORDER

IT IS THEREFORE ORDERED that Decision No. 67444 is hereby rescinded and the Certificate of Convenience and Necessity granted to OCMC, Inc. is revoked.

IT IS FURTHER ORDERED that this Order shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I DEAN S. MILLER, Interim Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2007.

DEAN S. MILLER
Interim Executive Director

DISSENT: _____

DISSENT: _____

EGJ:KDB:lhnm\

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